

REMARKS

Claims 1-41 are currently pending in the subject application and are presently under consideration. Claim 38 has been cancelled.

Applicants' representative thanks Examiner for the courtesies extended during a telephonic interview on May 19, 2007. During the interview, the patentability of claims 1, 28 and 34 was discussed. Claims 1, 28, and 34 have been amended as shown on pp. 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-9, 11-13, 15, 18-25, and 28-39 Under 35 U.S.C. §102(e)

Claims 1-9, 11-13, 15, 18-25, and 28-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ikeda *et al.* (U.S. 2003/0063571). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Ikeda *et al.* fails to disclose or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The subject claims relate to network administration and control. A system can gather data and provide information regarding a system's health, performance, and/or utilization by using a computing entity. In particular, independent claim 1 (and similarly amended claims 28 and 34) recites a system comprising a *component that obtains system data corresponding to a plurality of system components that reside on the networked system*. Ikeda *et al.* fails to disclose or suggest the claimed subject matter.

Ikeda *et al.* appears to disclose a system that collects information relating to the topology of a network, including the network topology of a specific route. As a result, the structure of a network can be determined. However, Ikeda *et al.* is silent with respect to obtaining data corresponding to a plurality of system components. Instead, Ikeda *et al.* obtains data relating to the structure of the network, which is different from obtaining data from the components residing on the network. Therefore, Ikeda *et al.* does not disclose or suggest a system comprising a component that obtains system data corresponding to a plurality of system components that reside on the networked system.

In view of the foregoing, it is readily apparent that Ikeda *et al.* fails to disclose or suggest applicants' claimed subject matter as recited in independent claims 1, 28, and 34 (and associated dependent claims 2-9, 11-13, 15, 18-25, 29-33, 35-37, and 39). Therefore, it is respectfully requested that this rejection be withdrawn.

II. Rejection of Claims 10, 14, 16, 17, 26, 27, 40, and 41 Under 35 U.S.C. §103(a)

Claims 10, 14, 16, 17, 26, 27, 40, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda *et al.* in view of Anerousis *et al.* (U.S. 6,393,472). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Claims 10, 14, 16, 17, 26, 27, and 41 depend from independent claim 1, and Anerousis *et al.* fails to address the previously mentioned deficiencies of Ikeda *et al.* with respect to independent claim 1. Additionally, claim 40 depends from independent claim 28, and Anerousis *et al.* fails to address the previously mentioned deficiencies of Ikeda *et al.* with respect to independent claim 28. Accordingly, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP503USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731